

UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
727-01-PA-T-CONT

Total Pages in this Submission

TO THE COMMISSIONER FOR PATENTSMail Stop Patent Application
P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

METHOD AND SYSTEM FOR MANAGING REALTIME DATA

and invented by:

Rama Iyer; Gregory S. Bradley; Phillip R. Shaw; Paul S. Lach; Jeffery M. Penner ;David L. Huffman
Emmanuel G. Pandey; Kanika Ghosh Devanand Ramachandren16235 U.S. PTO
10/723754
112603If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/354,731

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 86 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (if filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☒ Formal Number of Sheets 105
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☒ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under
Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby
incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Computer Readable Form (CFR)
- b. ☐ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☐ Paper
- c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Certificate of Mailing
- ☐ First Class ☒ Express Mail *(Specify Label No.):* EV305327665US

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Acc mpanying Application Parts (Continued)

17. ☒ Applicant claims small entity status. See 37 CFR 1.27.

☐ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: _____

18. ☒ Additional Enclosures (*please identify below*):

PETITION UNDER 37 CFR 1.47(A)

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

19. ☒ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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The PTO did not receive the following
listed item(s) Assignment

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	27	- 20 =	7	x \$9.00	\$63.00
Indep. Claims	11	- 3 =	8	x \$43.00	\$344.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$385.00
OTHER FEE (specify purpose) <u>ASSIGNMENT RECORDATION</u>					\$40.00
TOTAL FILING FEE					\$832.00

- ☒ A check in the amount of **\$832.00** to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **11-1159** as described below.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated:

11/25/03



Signature

TEJINDER SINGH
REG. NO, 39,535
KLEIN, O'NEILL & SINGH, LLP
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IRVINE, CA 92614
TEL: 949-955-1920
FAX: 040-955-1921

cc:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Rama Iyer et. al
ASSIGNEE: Centergistic Solutions
APPLICATION SERIAL NO.: 10/354,731
FILING DATE: 01/30/2003
TITLE: METHOD AND SYSTEM FOR MANAGING REALTIME
EXAMINER: Not Known
GROUP ART UNIT: 2661
ATTY. DOCKET NO: 727-01-PA-T

PETITION UNDER 37 C.F.R § 1.47 (a)

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

Sir:

Applicant has failed to obtain the signatures of Paul L. Lach. Applicant respectfully request consideration of this petition under 37 C.F.R § 1.47 based on the following:

I. Preliminary Amendment

(a) Applicant has reviewed all the claims and amended Claim 6 in a preliminary amendment, filed herewith. Based on the preliminary amendment, an Oath or Declaration is not required by Anthony C. Chen and Daniel T. McFadden (See Attached Affidavits of Rama Iyer and David L. Huffman).

II. New Oath and Declaration

(a) Applicant is filing a new oath and declaration complying with the requirements of 37 CFR 1.63 with signatures from all the inventors **except Paul L. Lach.**

III. Issues Regarding Inventor Paul L. Lach:


(a) I, the undersigned patent attorney, certify that the patent application in the foregoing case, with the drawings, declaration and assignment were mailed to Paul L. Lach on October 14, 2003 via Express mail at Mr. Lach's last known address, 5327 Cardinal Ridge Cr St. Louis, MO 63119. (See Attached Exhibit "B", a true copy of the Express Mail Label and the cover letter sent to Paul L. Lach) .

(b) Also, Applicant had mailed the patent application, drawings, the declaration assignment and a preliminary amendment to Paul L. Lach on October 24th, 2003. (See Attached Affidavit of Rama Iyer with Federal Express receipt (Exhibit "A") at Mr. Lach's last known address, 5327 Cardinal Ridge Cr St. Louis, MO 63119. Mr. Lach called Centergistic Solutions and told Elise McGinley that he was not interested in getting credit for his work (See Attached Affidavit of Elise McGinley). Therefore, Assignee, Centergistics Solutions, is not able to get the signatures of Paul l. Lach.

(c) Paul L. Lach was employed by the Assignee, Centergistics Solutions and had assigned all his rights to any inventions made during their employment to the Assignee. (See attached agreements between Paul L. Lach and the Assignee (Exhibit "C")).

Based on the foregoing, Applicants believe that they have met the requirements of 37 CFR 1.47(a) respectfully request entry of this petition in the foregoing application.


Dated: 11/25/03



Tejinder Singh
Reg. No. 39, 535
TEL NO. 949-955-1920
FAX NO. 949-955-1921

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as Express Mail, to Addressee in an envelope addressed to: Assistant Commissioner for Patents, ATTN: MAIL STOP PATENT APPLICATION BOX 1450, ALEXANDRIA, VA 22313-1450, on:

11/26/03

Typed Name: Tejinder Singh
Reg. No.: 39,535
Signature: _____